

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:10-cv-837 (WOB-MRM)

ROGER SMITH

PETITIONER

VS.

JUDGMENT

TIMOTHY BRUNSMAN, WARDEN
LEBANON CORRECTIONAL INSTITUTION

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. 36), and having considered *de novo* those objections filed thereto by Petitioner (Doc. 39), and the Court being sufficiently advised,

IT IS ORDERED that the objections (Doc. 39) to the Report and Recommendation be, and hereby are, **overruled**. That the Report and Recommendation of the Magistrate Judge (Doc. 36) be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; That petitioner's Motion to Vacate Judgment (Doc. 35), is **DENIED**. A certificate of appealability shall not issue with respect to the claims alleged in the motion. Pursuant to 28 U.S.C. § 1915(a)(3), any application by petitioner to proceed on appeal *in forma pauperis* would be not be taken in "good faith."

This 6th day of September, 2018.



Signed By:

William O. Bertelsman

WOB

United States District Judge